

**TOWN OF BIG FLATS
ZONING BOARD OF APPEALS
MEETING MINUTES**

*Filed with
Town Clerk
May 4, 2010*

APRIL 27, 2010

TOWN OF BIG FLATS
MEETING ROOM
7:00PM

Members Present: Don Williams, Dick Seely, Heather Hanson, Tom Clark

Members Absent: None

Staff Present: Stephen Polzella, Director of Planning, Brenda Belmonte, Secretary

Guests: Glenn Newcomer, Jeremy Newcomer, Harry King, Jane King

Vice Chair Clark opened the meeting at 7:00pm, noting all members were present.

PUBLIC HEARING
NEWCOMER AREA VARIANCE
TAX PARCEL 67.01-1-38

Vice Chair Clark opened the public hearing at 7:05pm, noting it had been duly published in the Star Gazette.

Williams questioned the drainage flow in relation to the house next door.

Newcomer explained that runoff from the roof would be directed to the street.

Seely asked if the carport could be enclosed for a garage in the future.

Polzella explained that the applicant would be allowed to enclose the carport; any other proposal would need to come back for site plan review. The 11'4" setback would remain with the property.

Public Hearing closed at 7:10pm

MINUTES
February 23, 2010

Motion to approve the minutes of February 23, 2010 by Williams, seconded by Hanson, Discussion, None, Motion Carries 3-0 with Seely abstaining.

RESOLUTION ZBA-2-2010

Newcomer – Area Variance (Side Setback)

Tax Parcel # 67.01-1-38

18 Somerset Dr., Elmira NY

Resolution by: Williams

Seconded by: Seely

WHEREAS the Zoning Board of Appeals of the Town of Big Flats has received an application from Jeremy Newcomer, owner of tax parcel #67.01-1-38, for relief from Section 17.16.020(J)(1) of the Town of Big Flats Zoning Law, Minimum Side Setback; and

WHEREAS the Town of Big Flats Planning Board, Resolution P-2010-14, returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation; and

WHEREAS two public hearings were held on March 23, 2010 and April 27, 2010 respectively; and

WHEREAS the Town of Big Flats Planning Staff provided a staff report dated March 16, 2010; and

WHEREAS granting this area variance would provide a 8 foot, 8 inch relief, ~43%, from Big Flats Zoning Law 17.16.020(J)(1), Minimum Side Setback; and

WHEREAS on the basis of materials submitted by the applicant on and before April 27, 2010 this board finds criteria #1, BFZL 17.60.120-B, to pass, 4-0; and

WHEREAS on the basis of materials submitted by the applicant on and before April 27, 2010, this board finds criteria #2, BFZL 17.60.120-B, to pass, 4-0; and

WHEREAS on the basis of materials submitted by the applicant on and before April 27, 2010, this board finds criteria #3, BFZL 17.60.120-B, to fail, 4-0, because the request is to provide 43% relief; and

WHEREAS on the basis of materials submitted by the applicant on and before April 27, 2010, this board finds criteria #4, BFZL 17.60.120-B, to pass, 4-0; and

WHEREAS on the basis of materials submitted by the applicant on and before April 27, 2010, this board finds criteria #5, BFZL 17.60.120-B, to fail, 4-0; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Zoning Board has considered the Short Environmental Assessment Form and other materials submitted as of April 27, 2010 the applicant in support of the proposed action, has considered the comments of its staff report, March 16, 2010, made via written memoranda to the Zoning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Zoning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW, THEREFORE BE IT RESOLVED, that the Zoning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED to grant approval of the Area Variance Request by Jeremy Newcomer, owner of tax parcel #67-01-1-38, for relief from Section 17.16.020(J)(1) of the Town of Big Flats Zoning Law, Minimum Side Setback in the form of 8 feet, 8 inch relief on the northwest boundary of the property, based on the review of the criteria listed in Section 17.60.120 of the BFZL.

Request Granted: **AYES:** Williams, Clarke, Seely and Hanson
 NAYS:
 ABSTAINED:

Dated: Tuesday, April 27, 2010
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Tom Clarke
Vice-Chairman, Zoning Board of Appeals

Discussion:

Board review of criteria:

1. Whether an undesirable change will be produced in the neighborhood.
Williams, no; Seely, no; Hanson, no; Clark, no
2. Whether the benefit sought can be achieved by some other feasible method.
Williams, no; Seely, no; Hanson, no; Clark, no
3. Whether the requested area variance is substantial.
Williams, yes; Seely, yes; Hanson, yes; Clark, yes
4. Whether the proposed area variance will have an adverse affect on the neighborhood.
Williams, no; Seely, no; Hanson, no; Clark, no

5. Whether the alleged difficulty was self – created.
Williams, yes; Seely, yes; Hanson, yes; Clark, yes

Motion to adjourn by Williams at 7:25pm, seconded by Seely, Discussion, None, Motion Carries 4-0.

Meeting adjourned at 7:26pm .